

Calendar No. 104

82D CONGRESS }
1st Session }

SENATE

{ REPORT
No. 106

IRMGARD KOHLER

FEBRUARY 19 (legislative day, JANUARY 29), 1951.—Ordered to be printed

Mr. McCARRAN, from the Committee on the Judiciary, submitted the following

R E P O R T

[To accompany S. 363]

The Committee on the Judiciary, to which was referred the bill (S. 363) for the relief of Irmgard Kohler, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill, as amended, do pass.

AMENDMENT

Strike all after the enacting clause and insert in lieu thereof the following:

That solely for the purposes of sections 4(a) and 9 of the Immigration Act of 1924, as amended, Irmgard Kohler shall be held and considered to be the minor child of her father, Alois Kohler, a naturalized United States citizen.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to provide for the return of Irmgard Kohler to the United States in order to join her parents and a sister, all of whom are citizens of the United States.

STATEMENT OF FACTS

The beneficiary of the bill is a 27-year-old native and citizen of Germany who was originally lawfully admitted to the United States for permanent residence when she was a small child. Subsequently she returned to Germany to visit her grandparents and has since remained there. In the meantime her parents were naturalized as citizens of the United States and her sister is a native-born citizen of the United States. If the beneficiary of the bill were still a minor

she would be entitled to nonquota status as the child of a United States citizen.

A letter dated January 31, 1951, to the chairman of the Senate Committee on the Judiciary from the Deputy Attorney General with reference to the bill reads as follows:

JANUARY 31, 1951.

HON. PAT MCCARRAN,
*Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.*

MY DEAR SENATOR: This is in response to your request for the views of the Department of Justice relative to bill (S. 363) for the relief of Irmgard Kohler, an alien.

The bill would provide that notwithstanding the age limitation contained in section 4 (a) of the Immigration Act of 1924, as amended, Irmgard Kohler, the unmarried daughter of a citizen of the United States may be permitted to enter the United States as a nonquota immigrant for permanent residence, if otherwise admissible.

The files of the Immigration and Naturalization Service of this Department disclose that Maria Irmgard Kohler was born on August 18, 1923, in Busenberg, Germany, and is a citizen of that country. She resided in the United States with her parents only a short while after her admission for permanent residence on March 12, 1928. According to her father, Mr. Alois Kohler, she left the United States when about 4 years old, in the care of a nurse, to visit her grandparents in Germany, where she has since remained, residing with them until their death last year. Mr. Kohler stated that he resides at his place of business, the Swiss Chalet, in Rochelle Park, N. J., and that he has another daughter, Rita Kohler, 19 years of age, who is a native-born United States citizen. Both he and his wife are naturalized citizens of the United States. If his daughter is permitted to come to this country, she will reside with them, and it is his intention to send her to a secretarial school.

The quota for Germany, to which Miss Kohler is chargeable, is oversubscribed and an immigration visa is not readily obtainable. Whether under the circumstances in her case the provisions of the immigration laws should be waived presents a question of legislative policy concerning which this Department prefers not to make any recommendation.

If the bill is to receive favorable consideration, however, it is suggested that it be amended by striking out all after the enacting clause and inserting the following:

"That, solely for the purposes of sections 4 (a) and 9 of the Immigration Act of 1924, as amended, Irmgard Kohler shall be held and considered to be the minor child of her father, Alois Kohler, a naturalized United States citizen."

Yours sincerely,

PEYTON FORD,
Deputy Attorney General.

Senator H. Alexander Smith, the author of the bill, has submitted the following affidavit in connection with the case:

AFFIDAVIT

STATE OF NEW JERSEY,
County of Passaic, ss:

Before me, a notary public in and for the State of New Jersey, today appeared Rita Kohler, residing at 120 West Passaic Road, Rochelle Park, N. J., deposes and says that she is American citizen by birth and sister of Irmgard Kohler, who came to the United States at the age of 2 and was 12 when her father became a citizen and at the present time resides at Pension Bellevue, Zurich, Switzerland.

That she together with her sister went to Germany in 1939 in order to visit their grandparents who became very sick by this time.

That she and her sister could not return to this country on account of the outbreak of the war. No mail from home whatever was received until May 1946.

That, during their stay in Germany, the two girls, and especially Irmgard, were asked to join the Bund Deutscher Maedel, the Nazi girl organization. She rejected this repeated proposal by the reason that she, being the daughter of United States citizen parents and a United States citizen herself, could not join any foreign organization. She then was advised by a Mrs. A. Schweizer

that she might be sent to a concentration camp, if she refused to join the B. d. M. Only by her blind grandfather's efforts, who told the B. d. M. that they had no right whatsoever to force the girl into any organization, as she was a United States subject, was she kept out of greater trouble.

That she and her sister went to the American consulate at Frankfurt on Main as soon as it had been reopened, in 1947, and applied for the necessary visa to be able to return to this country and to join their parents, who are naturalized United States citizens.

That, after several visits to the American consulate, a non quota visa was granted to Rita Kohler in January 1948, but that her sister was told that, in her case, the solution could not be found as easily as for Rita, because Irmgard became 21 years of age during the war.

That Irmgard was convinced that she ought to get a nonquota visa, and she went several times to the American consulate because she was very anxious to be reunited with her family and did not want to be separated from her sister.

That Irmgard, still believing that registration for regular immigration of German nationals to the United States, when it was opened, would admit that she had given up her fight to be considered an American citizen, did not register with the American consulate before October 10, 1948, as reported by her, on November 19, 1948, as acknowledged by the consulate, when everything possible had been tried to get her over as an citizen of the United States. This is the reason given, that Irmgard, receiving a very high registration number, at the present time is still being held back in Europe.

This statement is true, and, in witness thereof, the deponent sets her seal and hand this 27th day of February 1950.

RITA KOHLER.

Subscribed and sworn to before me, a notary public in and for the State of New Jersey, this 27th day of February 1950.

[SEAL]

OTTO JADAMOWITZ,
Notary Public of New Jersey.

My commission expires October 18, 1953.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 363), as amended, should be enacted.

○

